

MINUTES

CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

SEPTEMBER 15, 2008

The City Plan Commission/Architectural Review Board of the City of Clayton, Missouri, met upon the above date at 5:30 p.m., Chairman Harold Sanger presiding. Upon roll call, the following responded:

Present:

Chairman Harold Sanger
Steve Lichtenfeld, Aldermanic Representative
Craig Owens, City Manager
Jim Liberman
Mark Lopata
Scott Wilson
Ron Reim

Absent:

None

Also Present:

Catherine Powers, Director of Planning & Development Services
Jason Jaggi, Planner

Chairman Sanger welcomed everyone to the meeting and asked that conversations not take place during the meeting and that all cell phone and pager ringers be turned off.

MINUTES

There were no minutes presented for approval this evening.

CITY BUSINESS – DISCUSSION REGARDING RESIDENTIAL HISTORIC PRESERVATION ORDINANCE

Catherine Powers explained that the City of Clayton currently contains several federally designated historic districts. While these districts are an asset to the City and a subject of pride for the neighborhood, the federal designation is honorary and does not impact demolition and/or redevelopment in the area and that the only method of influencing redevelopment in historic districts is by the adoption of a local historic district via an ordinance approved by the Board of Aldermen. Catherine noted that commercial areas are not eligible in this ordinance for local designation. She indicated

that over the past several years, a small number of residents in specific districts have requested local historic designation to stop a project they felt was not in keeping with the neighborhood. Staff and the Plan Commission researched the implementation of historic districts, but neighborhood proponents were never able to gather a majority of property owners' signatures on a petition and the effort was suspended. In February, 2006, the Board of Aldermen appointed a Housing Task Force to consider housing related activities including a Residential Historic Preservation Ordinance that would provide regulations for designation of local districts and review processes for qualifying projects within the districts. After several months of discussion with Task Force members and experts in the field of Historic Preservation, as well as extensive research from the State and neighboring communities, a Residential Historic District Preservation Ordinance was recommended by the Housing Task Force on January 22, 2008. Catherine noted that this item first appeared before the Plan Commission on August 18, 2008 and was continued for further consideration. Catherine indicated that the Housing Task Force differs significantly from these earlier efforts because it represents a pro-active stance by authoring a city-wide Residential Historic District Preservation Ordinance. This ordinance establishes the policies and regulations which all proposed districts in the City would follow to obtain local historic designation. The ordinance also sets forth the process governing the review and issuance of demolition/building permits once a local district is established. Catherine noted that the Residential Historic District Preservation Ordinance will be a part of the Zoning Ordinance similar to the regulations governing Planned Unit Development and Special Development Districts. When a qualified area receives approval, that area will become an Article contained in Chapter 22A (Zoning Ordinance) which governs Overlay Zones and Urban Design Districts. Key components of the draft historic preservation ordinance include:

- The governing document will be entitled "Residential Historic Preservation Ordinance".
- The Architectural Review Board, in consultation with a historic preservation professional, will review and decide upon applications for demolition, alteration and new construction in locally designated areas. The consultant will operate similar to the City's Contract Landscape Architect and will be paid for by the developer but answerable to the City.
- In order to be eligible for designation, the area must be listed on the National Register of Historic Districts.
- This ordinance applies to residential neighborhoods and excludes Urban Design Districts. (see map)
- 66% of the property owners within a proposed district must vote to participate before a moratorium on development is initiated.

Catherine stated that the Ordinance and map are being presented at this time for discussion purposes only and that some members of the Housing Task Force are in attendance at this meeting to present the Ordinance for your consideration.

Ms. Joanne Boulton, Housing Task Force member, addressed the Commission indicating that the Task Force looked at the Cities of Kirkwood, University City and others, reviewing their ordinances as well as other sample historic preservation ordinances and also reviewed the statutes that allow this Ordinance. She indicated that the designation is voluntary.

Chairman Sanger asked if a petition containing 51% of property owners' signatures is required to be submitted to request such local designation.

Ms. Boulton replied "yes". She indicated that a considerable amount of time was spent to ascertain what neighborhoods should be included in the eligible districts.

Chairman Sanger asked if the local designation is restricted to the areas depicted on the map.

Catherine Powers replied "yes", stating that it is restricted to those areas listed on the National Register.

Marc Lopata asked the reason other areas should not be eligible.

Catherine Powers indicated that the area has to be a federally designated district first because those areas are invested in historic preservation and completed the surveys required for Federal designation.

Ms. Boulton indicated that there are two ways to set up a district: the first is to set up a commission and seek out areas in an attempt to get them on the national register, which requires a lot of work, or an area that is already on the register. She noted that she believes another area, Claverach Park, is attempting to get on the National Register.

Alderman Michelle Harris stated that in order to be eligible for federal and state tax credits, the property must be on the National Register. She stated a lot of work is involved with getting on the Register.

Ms. Boulton reiterated that this ordinance only applies to residential areas.

Chairman Sanger asked about the map.

Catherine Powers indicated that the 13 areas depicted on the map cover the same geographic areas as the federal designation, but have been broken out differently to allow smaller areas the possibility of designation.

Ms. Boulton stated that all and only those neighborhoods that are on the National Register are included on the map.

Chairman Sanger asked what items would be of most interest to the neighbors.

Catherine Powers indicated that the 180 day moratorium on demolition and the ARB's review.

Chairman Sanger commented that this seems a bit subjective to him.

Catherine Powers stated that 66% of the property owners would have to vote in favor of the designation which includes the up to 180 day waiting period.

Chairman Sanger asked where the line is drawn and who determines if a structure is salvageable or not.

Catherine Powers indicated that the consultant would work with the ARB.

Chairman Sanger asked if non-contributing structures are not included as they are not part of the essence of the historic distinction.

Catherine Powers replied yes, since they were constructed later than the historic period, there is no reason they should comply with historic district regulations.

Catherine Powers indicated that although 66% of the owners have to vote in favor, the remaining 34% would still be part of the district.

Jim Liberman asked if there is any recourse for an owner who did not agree with the Architectural Review Board.

Catherine Powers indicated that there is an appeal process through the Board of Aldermen.

Jim Liberman asked about a change in property value.

Ms. Boulton indicated that there would be nothing specific to the house itself, but that a study has shown there is an increase in economic benefit which would be of value to the City.

Chairman Sanger asked if there are any real estate professionals on the Task Force.

Ms. Boulton indicated that the Chairperson, Nikki Herrington, is in the real estate business and that all members of the Task Force supported the adoption of this ordinance.

Catherine Powers indicated that the document (ordinance) was changed several times throughout the review process.

Jim Liberman asked what is gained from this.

Ms. Boulton replied “pressures from development”. She stated that many of the subject areas are not currently under development pressure and that this ordinance allows time to think about development.

Jim Liberman referred to the property at 28 Broadview.

Scott Wilson commented that Joanne and he lived in neighborhoods with indentures similar to this and that if a neighborhood could qualify for National designation, then there’s something worth saving.

Steve Lichtenfeld asked about private indentures.

Catherine Powers indicated that the City cannot enforce indentures.

Marc Lopata stated that he has some process and language questions. He asked if a vote will be taken this evening.

Catherine Powers replied “no”. She stated that a public hearing has to take place first.

Marc Lopata indicated that the language in the “Standards for Review” Section (Page 4) is open to interpretation.

Catherine Powers stated that the standards for consideration decision are between the consultant and the ARB.

Marc Lopata stated that there is a difference between historic and historical. He asked how the “standard” contained in Paragraph 3 can be done.

Ms. Boulton indicated that this provision was put in place intentionally as there is nothing worse than a newer building trying to look like it was built in the 20’s (for example).

Marc Lopata asked if additions would be included.

Ms. Boulton replied “yes”.

Marc Lopata asked if once a structure is determined to be non-contributing, it does not apply to this Ordinance.

Catherine Powers concurred.

Jim Liberman asked if owners of non-contributing structures count in the 66% vote needed.

Catherine Powers replied “yes”.

Chairman Sanger agreed that they should count.

Steve Lichtenfeld asked if the underlying zoning controls the use of the property.

Catherine Powers replied “yes”; she stated that the use will not change.

Jim Liberman asked if all the properties in the subject areas on the map are single family.

Catherine Powers indicated that some are multi-family. She reminded the members that commercial properties are not eligible for designation, nor are Urban Design Districts.

Ron Reim asked if other neighborhoods may be included.

Catherine Powers indicated that Claverach Park is interested in federal designation.

Chairman Sanger asked if this Board votes to deny the adoption of the Ordinance, if it would still go to the Board of Aldermen for their decision.

Catherine Powers replied “yes, with a recommendation to deny”.

Jim Liberman asked if there is a lag period if a vote of 66% is not secured. He suggested there be a time limit placed before re-application.

Mel Disney asked if the rules (i.e. setbacks, etc.) still apply in these overlay districts.

Catherine Powers replied “yes”; she stated that the historic preservation deals with architecture, not zoning.

Mel Disney asked if a new Urban Design District (UDD) would override the historic district.

Catherine Powers stated that if an area is designated as historic, then it would not be eligible for an Urban Design District and the other way around.

Mel Disney asked if a new Urban Design District is proposed and part of it is within a historic district, if the UDD would override.

Catherine Powers replied “yes”.

Mel Disney suggested that be re-considered.

Chairman Sanger agreed.

A discussion took place regarding who would be voting on the designations. Chairman Sanger indicated that owners, not renters, would be voting. Catherine Powers stated that it will be made clear that only owners can vote.

Chairman Sanger announced that the last time, in the early 90's, Linden owners approached the City because part of Linden in University City is already historic, but the owners did not want restrictions on their properties. He asked Catherine how to proceed with this.

Catherine stated that a public hearing needs to be set.

Being no further business for the Plan Commission/Architectural Review Board, this meeting adjourned at 6:40 p.m.

Recording Secretary